

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:	:
Richard G Novotny	:
Beverly J Novotny	:
Debtor(s)	:

MOTION FOR AUTHORITY TO SELL REAL PROPERTY

Debtors, Richard G and Beverly J Novotny, by and through their undersigned counsel bring this Motion to Sell Real Property under Eastern District of Pennsylvania Local Rule 6004-1 and Section 363 of the United States Bankruptcy Code; and in support thereof aver the following:

1. Debtors commenced the instant Chapter 13 matter on February 7, 2020 by filing a Voluntary Petition.
2. The Chapter 13 Plan was confirmed on July 21, 2020.
3. The subject real property is located at 1228 Stumpfs Road, Middle River, Maryland (hereinafter referred to as “the property”) and is owned by the Debtors.
4. The Confirmed Plan states that the debtors’ intention was to surrender the subject property.
5. However, due to the delay in foreclosure by the first or second mortgagee, the Debtors are pursuing a short sale of the subject property.
6. In furtherance of the short sale, Debtors retained the services of Teal Clise of EXP Realty, LLC.
7. On or about December 13, 2021, Debtors, by and through their realtor, entered into an Agreement of Sale of the property in the amount of \$330,000 and a final price addendum dated

June 2, 2022, for the sale amount of \$360,000. A true and correct copy of the Agreement of Sale is attached hereto and labeled as **Exhibit “A.”**

8. PHH Mortgage, as first mortgagee, approved a short sale payoff in the sum of \$321,000.00. A true and correct copy of the PHH Mortgage Short Sale Payoff and extension through August 30, 2022 is attached hereto and labeled as **Exhibit “B.”**

9. Specialized Loan Servicing, as second mortgagee, approved a short sale payoff in the sum of \$6,000. A true and correct copy of the Specialized Loan Servicing Short Sale payoff expiring on August 29, 2022 is attached hereto and labeled as **Exhibit “C.”**

10. The settlement date for the sale of the subject property is scheduled for August 30, 2022

11. The Buyers, Timothy A. Loxley, II and Rebecca Definbaugh, are not insiders of the Debtors and the sale represents an arms-length transaction between the parties made without fraud and/or collusion.

12. Debtors intend to satisfy the agreed short sale mortgage payoffs from the proceeds of the sale.

13. **WHEREFORE**, Debtors respectfully request that this Honorable Court enter an Order: (i) Granting this Motion, (ii) Authorizing the debtors to sell the property to the proposed buyer under the terms of that Agreement for the Sale of Real Estate free and clear of liens, claims interests and encumbrances, and, (iii) Granting the debtors such other and further relief to which they may be justly entitled.

Dated: July 25, 2022

/s/Brad J. Sadek, Esq.
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